

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 712, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG PRODUCT—SPIRITS OF TURPENTINE.

On or about September 3, 1910, the United States Turpentine and Linseed Oil Company, New York City, shipped from the State of New York to the State of Connecticut one barrel containing a certain drug product labeled "Pure Spirits of Turpentine." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Connecticut.

In due course a libel was filed in the District Court of the United States for said district against the said barrel of turpentine, charging the above shipment and alleging the product so shipped to be adulterated, in that it was sold and transported from said State of New York to said State of Connecticut as turpentine, a name recognized in the United States Pharmacopœia, when in truth and in fact said product differed from the standard of strength, quality, and purity as determined by the tests laid down in said United States Pharmacopœia official at the time of investigation for the drug product known as turpentine, and in that said drug product so sold and transported contained a large quantity of mineral oil which had been mixed with and substituted for pure spirits of turpentine; and alleging the product to be misbranded, in that the product was labeled as above set forth, when in truth and in fact said product was not pure spirits of turpentine but a mixture of pure spirits of turpentine and mineral oil, said label being false and misleading in that it indicated that said product consisted of pure spirits of turpentine,

and in that there was no statement upon the container of said product indicating that it contained mineral oil, whereas in fact the mineral oil contained therein was an adulterant, and praying seizure, condemnation, and forfeiture of the product.

On October 10, 1910, the case came on for final hearing, and the court, being fully informed in the premises, upon motion of the United States attorney for said district, issued its decree condemning and forfeiting to the United States the above-mentioned barrel of turpentine, and ordering the marshal of said district to destroy the same, unless prior to November 1, 1910, the above-mentioned United States Turpentine and Linseed Oil Company, formerly the owner and consignor of said barrel of turpentine, should pay to the clerk of said court all the costs of these proceedings and should execute and deliver to the United States attorney for said district a good and sufficient bond in the penal sum of \$100 conditioned that said barrel of turpentine should not be sold or otherwise disposed of contrary to law, with the proviso that should said company pay the costs and execute and deliver the above-mentioned bond before said 1st day of November, 1910, the marshal of said district should deliver said barrel of turpentine to said company.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 22, 1910.*